IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 76 OF 2007

IN

WRIT PETITION NO. 938 OF 2007

Malvani Siddhi Sai Co-op.
Housing Society Ltd., through
its Chairman N.G. Khatare
& Ors. .. Appellants.

vs.

Pandurang Sayaj Thore
& Ors. .. Respondents.

Mr. K.S. Patil for Appellants.

Coram: J.N. PATEL &,
A.A. SAYED, JJ.
Date: 16TH APRIL, 2007.

P.C.

. Heard.

2. This Letters Patent Appeal is directed against the order of the learned Single Judge dismissing the writ petition filed by the appellants/petitioners impugning the order dated 17.1.2007 passed by the

Hon’ble Minister for Co-operation.

2. The subject matter pertains to holding of election of the appellant society. It is found that after the term of the managing committee of the society was over, a Committee of Administrators came to be appointed by the order dated 18.12.2004 by the Deputy Registrar of Co-operative Societies which was superseded by another order dated 19.7.2006 and thereafter one Shri B.S. Wankhede, Assistant Superintendent came to be appointed as an administrator by superseding earlier Committee of Administrators who initiated the election process. But, in the meantime he came to be superseded and the Divisional Joint Registrar modified the order dated 8.8.2006 and directed the Registrar to appoint those persons who were not members of the Committee which was superseded and that is how another body of administrators consisting of three members came to be appointed by the Deputy Registrar which was challenged before the Divisional Joint Registrar.

3. It is the case of the appellant society that the administrator Mr. Wankhede who initiated the election process pursuant to which the election came to be conducted and the results were declared on 5.9.2006 has been wrongly set aside.

4. The State Government as well as the learned

Single Judge found that Mr. Wankhede who was appointed as an Administrator could not have held the election as his appointment as an administrator was in question and he was superseded by another board of Administrators.

5. Therefore, in the facts and circumstances we do not find that the learned Single Judge has committed any error or illegality in dismissing the petition and directing that the election of the managing committee of the petitioner be held within a period of three months and appointing Shri B.M. Vathure as the Returning Officer for holding the election. The Letters Patent Appeal, therefore, stands dismissed.

6. In view of the dismissal of the appeal, the civil application no. 87 of 2007 does not survive and the same too stands dismissed.

(J.N. Patel, J.)

(A.A. Sayed, J.)